

1 BILL NO. G- 82-08-30

2 GENERAL ORDINANCE NO. G- 26-82

3 An Ordinance providing for payment
4 of necessary fee for filing vacation
proceedings.

5 WHEREAS, IC 36-7-3-12 dealing with Vacation of Public
6 Ways or Places requires that the legislative body shall hold
7 a hearing on a petition from any persons who own or are
8 interested in any lots or parts of lots and want to vacate
9 all or part of a public way or public place in or contiguous
10 to those lots or parts of lots; and,

11 WHEREAS, said IC 36-7-3-12 (c) requires that the Clerk
12 of the legislative body shall give notice of the petition and
13 the time and place of public hearing:

- 14 (1) In the manner prescribed in IC 5-3-1 [5-3-1-1---5-3-
15 1-9]; and,
16 (2) By certified mail to each owner of land that abuts
the property proposed to be vacated.

17 The petitioner shall pay the expense of providing this
18 notice; and,

19 WHEREAS, the Plan Commission of the City of Fort Wayne,
20 Indiana, presently requires a payment of filing fee of \$50
21 for its public hearing and the above public hearing requires
22 the legislative body (Common Council) to have another public
23 hearing which will require an additional filing fee from the
24 petitioner to cover said Common Council's expense for publica-
tion and notice of its public hearing.

25 NOW THEREFORE BE IT ORDAINED by the Common Council of
26 the City of Fort Wayne, Indiana, as follows:

27 Section 1. When any person who owns or is interested
28 in any lot or parts of lots and wants to vacate all or any
29 part of a public way or public place in or contiguous to those
30 lots, the following procedure shall take place:

- 31 (a) Said person shall first go to the Plan Commission
32 of the City of Fort Wayne and pay a filing fee of
\$100;
(b) The Plan Commission shall apply \$50 of said
fee to publication and giving notice of its
own public hearing and retain the other \$50.

for payment to the legislative body (Common Council) which it shall apply for expenses of publication and notice of its public hearing.

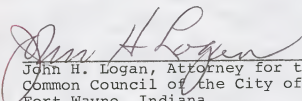
Section 2. After its public hearing the Plan Commission of the City of Fort Wayne, Indiana, shall submit its recommendations along with the proposed ordinance affecting said vacation to the legislative body (Common Council of the City of Fort Wayne, Indiana) together with the sum of \$50 for payment by the legislative body (Common Council) covering expenses of notices of time and place of hearing and publication thereof as required by law and said Common Council (legislative body) shall thereupon proceed to hold a public hearing on said petition within thirty (30) days after it has received the Clerk of said Common Council's notice of the petition and the time and place of hearing:

- (1) In the manner prescribed in IC 5-3-1 [5-3-1-1---5-3-1-9]; and,
- (2) By certified mail to each owner of land that abuts the property proposed to be vacated.

Section 3. This ordinance shall be in full force and effect from and after its passage and approval by the Mayor.


COUNCILMAN

Approved as to form and legality:


John H. Logan, Attorney for the
Common Council of the City of
Fort Wayne, Indiana.

Read the first time in full and on motion by E. West, seconded by Stier, and duly adopted, read the second time by title and referred to the Committee Regulation (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on _____, 19____, the _____ day of _____, 19____, at _____ o'clock _____ M., E.S.T.

DATE: 8-24-82

Charles W. Westerman
CHARLES W. WESTERMAN - CITY CLERK

Read the third time in full and on motion by E. West, seconded by Stier, and duly adopted, placed on its passage. PASSED (LOST) by the following vote:

| | <u>AYES</u> | <u>NAYS</u> | <u>ABSTAINED</u> | <u>ABSENT</u> | <u>TO-WIT:</u> |
|--------------------|-------------|-------------|------------------|---------------|----------------|
| <u>TOTAL VOTES</u> | <u>9</u> | _____ | _____ | _____ | _____ |
| <u>BRADBURY</u> | <u>✓</u> | _____ | _____ | _____ | _____ |
| <u>BURNS</u> | <u>✓</u> | _____ | _____ | _____ | _____ |
| <u>EISBART</u> | <u>✓</u> | _____ | _____ | _____ | _____ |
| <u>GIAQUINTA</u> | <u>✓</u> | _____ | _____ | _____ | _____ |
| <u>SCRUGGS</u> | _____ | _____ | _____ | _____ | _____ |
| <u>NUCKOLS</u> | <u>✓</u> | _____ | _____ | _____ | _____ |
| <u>SCHMIDT</u> | <u>✓</u> | _____ | _____ | _____ | _____ |
| <u>SCHOMBURG</u> | <u>✓</u> | _____ | _____ | _____ | _____ |
| <u>STIER</u> | <u>✓</u> | _____ | _____ | _____ | _____ |
| <u>TALARICO</u> | <u>✓</u> | _____ | _____ | _____ | _____ |

DATE: 9-14-82

Charles W. Westerman
CHARLES W. WESTERMAN - CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ZONING MAP) (GENERAL) (ANNEXATION) (SPECIAL)

(APPROPRIATION) ORDINANCE (RESOLUTION) NO. 9-26 P22

on the 14th day of September, 1982

ATTEST:

(SEAL)

Charles W. Westerman
CHARLES W. WESTERMAN - CITY CLERK

Samuel J. Talarico
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 15th day of September, 1982, at the hour of 11:30 o'clock PM, E.S.T.

Charles W. Westerman
CHARLES W. WESTERMAN - CITY CLERK

Approved and signed by me this 22nd day of September, 1982, at the hour of 4 o'clock P M., E.S.T.

Win Moses, Jr.
WIN MOSES, JR. - MAYOR

BILL NO. G-82-08-30

REPORT OF THE COMMITTEE ON REGULATIONS

WE, YOUR COMMITTEE ON Regulations TO WHOM WAS REFERRED AN
ORDINANCE providing for payment of necessary fee for filing
vacation proceedings

HAVE HAD SAID ORDINANCE UNDER CONSIDERATION AND BEG LEAVE TO REPORT
BACK TO THE COMMON COUNCIL THAT SAID ORDINANCE DO PASS.

BEN A. EISBART, CHAIRMAN

JANET G. BRADBURY, VICE CHAIRMAN

PAUL M. BURNS

VICTURE L. SCRUGGS

ROY J. SCHOMBURG

B. A. Eisbart

Janet G. Bradbury

Paul M. Burns

Victoria L. Scruggs

R. J. Schomburg

5-14-82

CONCURRED IN

DATE _____ CHARLES W. WESTERMAN, CITY CLERK